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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/699,660

Applicant(s)

CHEN ET AL.

Examiner

WILLIAM C. STOREY

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 20-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 20-34 is/are rejected.
- 7) ☒ Claim(s) 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the L-shaped paper conveying path of claims 4, 24, &30 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations of claim 6 & 28 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cartridge lid

carrying a control panel of claim 32 must be shown or the feature(s) canceled from the claim(s). The examiner does not believe that being able open and close the lid constitutes a "carrying" of the control panel (as in fig. 2 of the instant application, for example). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claim 33 (and dependents) is objected to. The claim claims dependency upon itself. Further, there is a lack of antecedent basis from this. The examiner assumes

that instead of claim 33 being dependent on claim 33, that the applicant intended for claim 33 to be dependent upon claim 31. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 32 (and dependents) is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim claims a control panel "carried" by a cartridge lid. Please provide support for this. Pg. 4, lines 12-13 and the referenced elements in fig. 2 of the instant application disclose "a control panel 231 located on the top side of the cartridge lid 230." The examiner respectfully disagrees that being "located on the top side of the cartridge lid" embodies the same connotations as being "carried" by a cartridge lid. The examiner will assume the applicant to have intended wording similar to "wherein a cartridge lid has a control panel thereon," similar to previously-claimed claim 8.

8. Claim 33 (and dependents) is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application

was filed, had possession of the claimed invention. The claim claims that the housing includes an opening aligned with the replacement position, and that the ink cartridge is exposed through the opening when the ink cartridge is in the replacement position. Pg. 5, lines 17-18 of the instant application disclose that **when the cartridge lid 230 is opened**, the ink cartridge is exposed to make replacement easier. Thus, the examiner assumes that the applicant is envisioning the hold in fig. 2 showing 420 as the opening. However, no support has been found for the ink cartridge being definitively exposed when it is in the replacement position. As referenced above, support may only be found that the ink cartridge would be exposed only when the cartridge lid is opened. Figs. 1-3 of the instant application corroborate this understanding. Further, claim 34 specifically discloses the cartridge lid covering the opening when the lid is in a closed position. Thus, if the ink cartridge was in the replacement position and the cartridge lid closed, the ink cartridge would not be exposed, as claimed by the applicant. Thus, the examiner will assume that the applicant intended to claim something along the lines of that the ink cartridge is capable of being exposed through an opening when the ink cartridge is in the replacement position.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 34 (and dependents) is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 33 disclosed that the ink cartridge is definitively exposed when in the replacement position. Yet, claim 34

contradicts this state of exposure in the replacement position by presenting that the cartridge covers the opening and thus, the ink cartridge, when the cartridge lid is in a closed position. Thus, the ink cartridge would not be definitively exposed through the opening in the replacement position due to the fact that the cartridge lid may cover the ink cartridge in the replacement position.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9, & 20-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda (5909226) in view of Sasaki et al. (US 20030184627), hereinafter referred to as Sasaki.

Regarding claim 1, Takeda discloses A multi-function peripheral (fig. 1), comprising: a casing (fig. 1); a scanning module disposed within the casing (fig. 1 (11), col. 5, lines 60-67) and including a scan platform (fig. 1 (10)) and a scanning unit (fig. 1 (11), col. 5, lines 60-67) for capturing image data (sensors are disclosed installed on the carriage), the scan platform having a scan footprint defined, at least in part, by a first axis having a first dimension and a second axis having a second dimension, the second axis being generally perpendicular to the first axis, and the second dimension being shorter the first dimension (fig. 1, width is longer and may be first axis (g axis), length is shorter and may be second axis (h axis)); and

a printing module disposed within the casing below the scan platform (fig. 1, col. 5, lines 35-52), the printing module having a printing unit including a head bracket for carrying at least one ink head (fig. 1, col. 5, lines 43-48), the printing module being configured to move the head bracket along an axis of movement that is generally parallel with the second axis of the scanning platform (fig. 1, col. 5, lines 37-40) but longer than the second axis (fig. 1 shows the carriage 8 outside of the scan footprint), the printing module being further configured to carry the head bracket to a position outside of the scan footprint (fig. 1, col. 6, lines 63-67 and col. 7, lines 1-3 disclose the carriage with the different color ink heads being stationed outside the scan foot print when the system is open that would allow access to the ink and ink heads.)

Although Takeda did not distinctly disclose the ink heads being cartridges with ink stored therein in the embodiment discussed previously, Takeda disclosed at fig. 11, col. 14, lines 66-67 and col. 15, lines 1-6 the ink on the carriage that may be exchanged therefrom. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to provide the ink heads being cartridges with ink thereon for the purpose of reducing manufacturing costs. Inherently, as the carriage is stationed outside of the scan footprint whenever the cover is opened as mentioned previously, the carriage is in a replacement position for replacing the inks.

Some may argue that it is not clear that the figure shows the length of the first dimension longer than the second; however, despite the fact that the examiner feels that it is shown, it would still have been obvious to one of ordinary skill in the art at the time the invention was made to have the length of the first axis longer than the second

in order to have the scan platform generally conform to the shape of a piece of paper (which is arguably the most-scanned item) for the purpose of allowing the user ease in identifying the paper's positional relation to the overall scan.

However, the previous disclosures did not distinctly disclose a scanner lid movable between an open and closed position, wherein the ink cartridge would be accessible when the cartridge bracket is in the replacement position when the scanner lid remains in the closed position.

In a similar field of endeavor, Sasaki discloses a multi-function apparatus. In addition, Sasaki discloses a scanning lid that that may be open and closed on top of a scan platform (fig. 1, fig. 2 (shows how the upper cover (lid) 17 may be opened or closed)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing a scanner lid wherein the ink cartridge would be accessible when the cartridge bracket is in the replacement position when the scanner lid remains in the closed position, as taught by Sasaki, for the purpose of providing for greater image quality. The scanner lid closed over a document to be scanned would keep out ambient light, would keep dust off of the scan platform, etc. In addition, to weather any debate, it would have been at least obvious to keep the scanner lid closed while accessing the cartridge for the apparatus of Takeda for the reasons previously mentioned. The cartridge may be accessed as described by Takeda, only that there would be a lid on top of the platform as well. The lid would also be part of the casing.

Regarding claim 2, the claim inherits everything as applied above for claim 1. Takeda discloses wherein the casing has a paper conveying path that comprises a paper feeding path and a paper discharge path, the paper discharge path being generally parallel with the first axis of the scan platform (fig. 1 discloses paper being taken from a cassette ((3), paper feeding path) and discharged out all in parallel with the first (longest) axis of the scan platform.)

Regarding claim 3, the claim inherits everything as applied above for claim 2. As disclosed above from fig. 1, it is clear that the paper taken from the cassette and move through, up, and out of the system moves in a C-shape.

Regarding claim 4, the claim inherits everything as applied above for claim 2. Although Tekada did not distinctly disclose the paper conveying path having an L-shape, Tekada disclosed in fig.7 that paper may be loaded in a sheet feed tray (22) and move through the printing system.

However, some may argue that the shape provided by Tekada does not really look like an "L." In a similar field of endeavor, Sasaki discloses a multi-function system with a paper feed tray. In addition, Sasaki discloses fig. 3 that shows a system that feeds paper in an "L" shape from (22) to (34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tekada by specifically providing a more upright paper feed tray that allows the paper path to look like an "L," as taught by Sasaki, for the purpose of providing greater convenience through easier feed access. (The applicant has previously expressed some distress over the idea that fig. 3 of Sasaki

might not really be an L-shape printing path. While the examiner respectfully disagrees, the examiner still points out that under any circumstances, the shape provided is certainly substantially L-shape. Considering this, it would have been at least obvious to one of ordinary skill in the art to provide the paper path in an L-shape for the purposes of design choice and/or perhaps to save more counter space by having the feed tray/holder lie create more of a 90-degree angle (perhaps more L-shape to the applicant) in the paper path. If the applicant should become upset at the slight lift at the end of the paper path, this too would be obvious to make straighter for at the least the purpose of design choice and/or to make the design simpler by removing the improvement of the tray at the end.)

Regarding claim 5, the claim inherits everything as applied above for claim 2. Tekada discloses wherein the paper feeding path extends between a paper feeding cartridge (Fig. 1, (3)) located below the scan platform (10) and the printing module (8), and the paper discharge path extends between the printing module to a paper exit chute located below the scan platform and the paper feeding cartridge (evident from figure).

Regarding claim 6, the claim inherits everything as applied above for claim 2. Although Tekada did not distinctly disclose wherein the paper feeding path extends between a paper feeding chute located on a backside of the casing to the printing module and the paper discharge path extends between the printing module to a paper exit chute located below the scan platform in the previously-discussed embodiment, Tekada disclosed in fig. 7 that paper may be loaded in a sheet feed tray (22) (paper

feeding cute located on a backside of the casing) and move through the printing system in the manner claimed as evident from the figure (printing module may be read upon by (8), 1b may read on claimed scan platform)).

Regarding claim 7, the claim inherits everything as applied above for claim 1. Tekada discloses wherein the casing includes an at least partially removable cartridge lid adjacent to the cartridge replacement position (fig. 1 shows 1b (cartridge lid) being able to be lifted up (at least partially removable) to access a cartridge as discussed previously in its cartridge replacement position.)

Regarding claim 9, the claim inherits everything as applied above for claim 1. Takeda discloses wherein the scanning unit has a scanning path generally parallel with the first axis of the scan platform (fig. 1, col. 5, lines 60-67, col. 6, lines 1-3 disclose the carriage 11 (scanning unit) reciprocating in the second axis direction and that the carriage proceeds to the next line in the first axis (opposite to the feeding direction A of the recording material). Thus, the width direction is parallel with A, which represents the first axis of the scan platform.

Regarding claim 20, the claim inherits everything as applied above for claim 7. As the cartridge lid comprise the scan platform, this and fig. 1 show that the cartridge lid is generally coplanar with the scan platform.

Regarding claim 21, the claim inherits everything as applied above for claim 1. Col. 6, lines 19-20 disclose that the system disclosed is an inkjet recording means. Inherently, an ink cartridge used by the inkjet recording means to record must be an inkjet printer cartridge.

Regarding claim 22, Takeda discloses a printer (col. 5, lines 1-17, image recording unit may read on printer) having a paper feeding unit (fig. 1, starting from (3) through to paper output and the associated elements with the paper's movement in figure 1 may read on claimed paper feeding unit) with a first longitudinal axis (fig. 1, reciprocal direction parallel with A) and a carriage bracket (fig. 1, (8)) for carrying an ink head along a first transverse axis that is perpendicular with the first longitudinal axis (fig. 1, col. 5, lines 37-40); and

a scanner operably coupled to the printer (fig. 1, col. 5, lines 11-17, image reading unit may read on scanner. In order to have the functions of a copying machine (scanning then printing), the scanner must be operably coupled to the printer), the scanner including a scan platform (fig. 1 (10)) having a footprint defined by a second longitudinal axis and a second transverse axis, the second longitudinal axis aligned with the first longitudinal axis of the paper feeding unit and the second transverse axis perpendicular with the longitudinal axis of the scan platform (fig. 1, width is longer and may be second longitudinal axis (aligned with g axis), length is shorter and may be second transverse axis (aligned with h axis)),

wherein the carriage bracket is configured to carry the printer cartridge along the first transverse axis of the printer to a position that is outside of the footprint of the scanner (fig. 1 shows the carriage 8 outside of the scan footprint and fig. 1, col. 6, lines 63-67 and col. 7, lines 1-3 disclose the carriage with the different color ink heads being stationed outside the scan foot print when the system is open that would allow access to the ink and ink heads.).

Although Takeda did not distinctly disclose the ink heads being cartridges with ink stored therein in the embodiment discussed previously, Takeda disclosed at fig. 11, col. 14, lines 66-67 and col. 15, lines 1-6 the ink on the carriage that may be exchanged therefrom. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to provide the ink heads being cartridges with ink thereon for the purpose of reducing manufacturing costs. Inherently, as the carriage is stationed outside of the scan footprint whenever the cover is opened as mentioned previously, the carriage is a replacement position for replacing the inks.

However, the previous disclosures did not distinctly disclose a scanner lid movable between an open and closed position, wherein the printer cartridge would be accessible in the position outside the footprint of the scanner when the scanner lid remains in the closed position.

In a similar field of endeavor, Sasaki discloses a multi-function apparatus. In addition, Sasaki discloses a scanning lid that that may be open and closed on top of a scan platform (fig. 1, fig. 2 (shows how the upper cover (lid) 17 may be opened or closed)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing a scanner lid movable between an open and closed position, wherein the printer cartridge would be accessible in the position outside the footprint of the scanner when the scanner lid remains in the closed position, as taught by Sasaki, for the purpose of providing for greater image quality. The scanner lid closed over a document to be

scanned would keep out ambient light, would keep dust off of the scan platform, etc. In addition, to weather any debate, it would have been at least obvious to keep the scanner lid closed while accessing the cartridge for the apparatus of Takeda for the reasons previously mentioned. The cartridge may be accessed as described by Takeda, only that there would be a lid on top of the platform as well. The lid may also be said to be part of the "scanner."

Regarding claim 23, the claim inherits everything as applied above for claim 22. Takeda discloses wherein the printer is generally below the scanner (fig. 1, col. 5, lines 13-16, image recording unit may read on printer, image reading unit may read on scanner), and the paper feeding unit comprises a generally C-type shape (fig. 1 discloses paper being taken from a cassette ((3), paper feeding path) and discharged out all in parallel with the second longitudinal axis of the scan platform. As disclosed above from fig. 1, it is clear that the paper taken from the cassette and move through, up, and out of the system moves in a C-shape.)

Regarding claim 24, the claim inherits everything as applied above for claim 22. The claim is similarly rejected as applied for claim 4. Takeda discloses wherein the printer is generally below the scanner (fig. 1, col. 5, lines 13-16, image recording unit may read on printer, image reading unit may read on scanner).

Regarding claim 25, Takeda discloses a scanning module (fig. 1, col. 5, lines 10-16, image reading unit) including a scan platform (fig. 1, (10)) and scanning means (fig. 1, (11)) for acquiring image data (col. 6, lines 4-8) regarding an object positioned at the scan platform (It is inherent that there be some sort of object positioned at the scan

platform to scan in order to get meaningful information back.), the scan platform having a generally rectangular footprint (fig. 1) that includes a longitudinal dimension and a lateral dimension that is shorter than the longitudinal dimension (fig. 1, width is longer and may be longitudinal dimension (aligned with g axis), length is shorter and may be lateral dimension (aligned with h axis));

a printing module operably coupled to the scan platform (fig. 1, col. 5, lines 10-16, image recording unit) and including printing means (image recording unit parts associated with printing) employing an ink head for printing a graphical image associated with the object (col. 5, lines 36-50. The system allows for printing a graphical image. Col. 5, lines 11-13 disclose the system provided with the functions of a copying machine so that the image of scanned object may be printed), the printing means carrying the ink head along an axis of motion that is generally parallel with the lateral dimension of the rectangular footprint (fig. 1, col. 5, lines 37-40), the printing means also carrying the ink head to an ink head replacement position, outside of the rectangular footprint of the scan platform (fig. 1, col. 6, lines 63-67 and col. 7, lines 1-3 disclose the carriage with the different color ink heads being stationed outside the scan foot print when the system is open that would allow access to the ink and ink heads.); and

means for commonly housing the scanning module and the printing module (fig. 1).

Although Takeda did not distinctly disclose the ink heads being cartridges with ink thereon in the embodiment discussed previously, Takeda disclosed at fig. 11, col. 14, lines 66-67 and col. 15, lines 1-6 the ink on the carriage that may be exchanged

therefrom. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to provide the ink heads being cartridges with ink thereon for the purpose of reducing manufacturing costs. Inherently, as the carriage is stationed outside of the scan footprint whenever the cover is opened as mentioned previously, the carriage is a replacement position for replacing the inks.

Some may argue that it is not clear that the figure shows the length of the first axis longer than the second, making a generally rectangular footprint; however, despite the fact that the examiner feels that it is shown, it would still have been obvious to one of ordinary skill in the art at the time the invention was made to have the length of the first axis longer than the second in order to have the scan platform generally conform to the shape of a piece of paper (which is arguably the most-scanned item) for the purpose of allowing the user ease in identifying the paper's positional relation to the overall scan.

However, the previous disclosures did not distinctly disclose a scanner lid movable between an open and closed position, wherein the printer cartridge would be accessible in the replacement position when the scanner lid remains in the closed position.

In a similar field of endeavor, Sasaki discloses a multi-function apparatus. In addition, Sasaki discloses a scanning lid that that may be open and closed on top of a scan platform (fig. 1, fig. 2 (shows how the upper cover (lid) 17 may be opened or closed)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing

a scanner lid movable between an open and closed position, wherein the printer cartridge would be accessible in the replacement position when the scanner lid remains in the closed position, as taught by Sasaki, for the purpose of providing for greater image quality. The scanner lid closed over a document to be scanned would keep out ambient light, would keep dust off of the scan platform, etc. In addition, to weather any debate, it would have been at least obvious to keep the scanner lid closed while accessing the cartridge for the apparatus of Takeda for the reasons previously mentioned. The cartridge may be accessed as described by Takeda, only that there would be a lid on top of the platform as well. The lid may also be said to be part of the "scanning module."

In addition, "While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also In re Swinehart, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). "[A]pparatus claims cover what a device is, not what a device does." Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original)."-MPEP 2114-R1. The system is categorically

representative of an apparatus. Therefore, any structurally-equivalent system *capable* of performing the functionality described in the claim would anticipate the claim.

Regarding claim 26, the claim inherits everything as applied above for claim 25. Takeda discloses a paper conveying means (evident from fig. 1) operatively coupled (inherent to be able to print on the paper effectively) with the printing module, the paper conveying means including a paper feeding path and a paper discharge path (fig. 1 discloses paper being taken from a cassette ((3), paper feeding path) and discharged out all in parallel with the first longitudinal dimension of the scan platform.)

Regarding claim 27, the claim inherits everything as applied above for claim 26. The claim is similarly rejected based upon reasoning applied for claim 5 in conjunction with evidence from fig. 1.

Regarding claim 28, the claim inherits everything as applied above for claim 26. In addition, the claim is rejected based upon similar reasoning as applied above for claim 6 in conjunction with evidence from fig. 1.

Regarding claim 29, the claim everything as applied above for claim 26. The claim is rejected based upon similar reasoning as applied above for claim 3.

Regarding claim 30, the claim everything as applied above for claim 26. The claim is rejected based upon similar reasoning as applied above for claim 4.

Regarding claim 31, the claim is rejected based upon similar reasoning as applied above for claim 1. The housing may be read upon by the casing.

3. Claims 8, 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda as applied to claim 7 and/or 31 above, and further in view of Yamamoto et al.

(US 20030184771), hereinafter referred to as Yamamoto; and Wilcox et al. (US 6151140), hereinafter referred to as Wilcox.

Regarding claim 8, the claim inherits everything as applied above for claim 7. However, the previous disclosures did not distinctly disclose wherein the cartridge lid has a control panel thereon.

In a similar field of endeavor, Yamamoto discloses a multi-function imaging device. In addition, Yamamoto discloses fig. 1 showing an operation panel 6 (control panel). ¶5 discloses that it is well known to pivot the scanner (as a lid or cover to the printing section in fig. 1) with respect to the printer to replace the ink cartridge, as similarly done by Takeda.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing wherein the cartridge lid has a control panel thereon, as taught by Yamamoto, for the purpose of allowing the user easier visibility and/or access to control the operations of the device by having it up on the top of the machine on the lid.

However, the previous disclosures did not distinctly disclose a figure of the control panel lifted up above in the raised position.

So, for further support, in a similar field of endeavor, Wilcox discloses an imaging device with openable cover. In addition, Wilcox discloses a display/control panel 80 in fig. 1 that may be lifted up with the top portion 17 in fig. 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing

the control panel able to be lifted up above in a raised position, as taught by Wilcox, for the purpose of allowing easier maintenance access while still retaining access and visibility to the control panel.

Regarding claim 32, the claim inherits everything as applied above for claim 31. In addition, the claim is rejected based upon similar reasoning as applied above for claim 8. It was previously disclosed (claim 8) how a control panel may be on a lid that is lifted (cartridge lid). It was also previously disclosed that this lid may be lifted to gain access to the ink cartridge (inherently, if the cartridge may be open to be accessed in this manner, it would be exposed. Fig. 1 of Takeda show the top half of the apparatus open to expose what would be the ink cartridge (as previously discussed). The top half may read on the cartridge lid. It is movable from a closed to open position to expose the ink cartridge through an opening in the housing (fig. 1). It was previously disclosed how the ink cartridge may be in a replacement position when the housing is opened.

Regarding claim 33, the claim inherits everything as applied above for claim 31. Further, the discussion of claim 32 will be inherited for reference as well. It was disclosed previously that there an opening in the housing may expose the ink cartridge and provide access when the ink cartridge is in the replacement position. In addition, "the housing includes an opening aligned with the replacement position" is vague. The previously discussed opening may read upon an opening aligned with the replacement position. At least in some way, the opening is aligned with the replacement position. Nonetheless, perhaps a different interpretation would be more in line with what may be the applicant's true intentions. Fig. 9 of Takeda discloses an opening situated at the

replacement position (thereby "aligned"). A lid 26 opens and closes this other opening. It would have been at least obvious to provide this additional opening by allowing for access to the insides of the apparatus (to fix a jam, or other internal issues) while still covering the cartridge if necessary and "eliminating the fear that the operator touches these parts to cause any malfunction thereof," as disclosed at col. 14, lines 13-14 of Takeda.

Regarding claim 34, the claim inherits everything as applied above for claim 33. It has been previously disclosed how the top half of the apparatus (cartridge lid, 1b in fig. 1, for example) is not the same as the scanning lid, which covers the platform. Therefore, from the previous disclosures, the housing includes a cartridge lid, the cartridge lid is independently movable from the scanning lid (each has its own pivot to move from), and the cartridge lid covers the opening when the cartridge lid is in a closed position (previous discussions, fig. 1).

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM C. STOREY whose telephone number is (571)270-3576. The examiner can normally be reached on Monday - Friday Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Y. Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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